

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION SIX**

CARNEGIE MELLON UNIVERSITY

Employer

and

CARNEGIE MELLON UNIVERSITY CAMPUS
POLICE ASSOCIATION

Petitioner

Case 6-RC-11676

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, a hearing was held before Barton A. Meyers, a hearing officer of the National Labor Relations Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its powers in connection with this case to the undersigned Regional Director.¹

Upon the entire record² in this case, the Regional Director finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.

¹ Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, D.C. 20570-0001. This request must be received by the Board in Washington by June 9, 1999.

² The Employer and the Petitioner filed timely briefs which have been duly considered by the undersigned.

3. The labor organization involved claims to represent certain employees of the Employer.

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(l) and Section 2(6) and (7) of the Act.

By this petition, the Petitioner seeks to include through a self-determination election the position of dispatcher into an existing unit of Department of Security employees employed by the Employer at its Pittsburgh, Pennsylvania, location. The Employer, contrary to the Petitioner, contends that the dispatchers are not guards within the meaning of Section 9(b)(3) of the Act, inasmuch as they do not perform the requisite functions of a guard. On this basis, the Employer contends the dispatchers may not be included in a unit of guards, and therefore, moves to dismiss the instant petition.³

There are presently four full-time and one part-time⁴ dispatchers employed by the Employer at its Pittsburgh, Pennsylvania location.

At all times material herein and pursuant to a Board certification issued on March 21, 1984, in Case 6-RC-9450, the Petitioner has been recognized by the Employer as the exclusive collective-bargaining representative of the employees in the following unit:

All security officers, detectives, traffic monitors, security monitors and security guards employed by the University at its Pittsburgh, Pennsylvania, location; excluding office clerical employees, students, watchmen employed at Bushy Run Laboratory and professional employees and supervisors as defined in the Act, and all other employees.

The current collective-bargaining agreement is effective for the period June 1, 1996, through June 30, 1999.

³ The Employer asserts that although the dispatchers could constitute a separate appropriate unit, the Petitioner is not the appropriate union to represent them inasmuch as it represents guards. The Petitioner does not seek to represent the dispatcher employees in a separate unit. Thus, the parties are in agreement that if the dispatchers are not found to be guards, the petition should be dismissed.

⁴ The parties agree that the part-time dispatcher should be included in the unit if the dispatchers are found to be guards.

The Employer is engaged in the operation of a private non-profit university in Pittsburgh, Pennsylvania. The Director of Security for the Employer's Department of Security is James LaPaglia. A Lieutenant and four sergeants, who report to LaPaglia, oversee the Department of Security, including the dispatchers. In addition to overseeing a particular shift, each of these sergeants has a specialized assignment within the Department. Thus, Sergeant Annie Budzik is in charge of Dispatch and Communication and is responsible for scheduling time off and vacation periods for the dispatchers. The Department of Security also currently consists of two detectives, fifteen security officers⁵, twenty-one security guards, two traffic monitors and two security monitors.⁶

The Department of Security suite of offices is located in the Communications Office and includes the offices of the Director of Security and his confidential secretary, the Lieutenant and various supervisors. The dispatch office is located off of the main entrance to the building. This separate office has its own door and a glass window. A separate small room which is adjacent to the dispatch office, contains a coffee maker and lockers which are utilized by the dispatchers. Ten clipboards which disseminate "roll call" information are also located in that room. Any of the Department of Security employees can use the coffee machine and review the posted information. Various manuals which set forth procedures, guidelines and regulations are kept in the dispatch office. In addition, the Campus Lost and Found and keys for various buildings are also located in the dispatch office. A squad room, which is used as a lunch area⁷ and to conduct meetings and roll call is located apart from the dispatch office. In addition, a locker room utilized by the existing bargaining unit employees is located one floor below.

⁵ Security officers are also referred to in the record as police officers. Security guards and security monitors perform the same duties.

⁶ The detectives, security officers, security guards, traffic monitors and security monitors occasionally are referred to herein as the existing bargaining unit employees.

⁷ Dispatchers generally eat their lunch in the dispatch office as they are being relieved. However, they are not prohibited from using the squad room as a lunch area.

The dispatch office contains a monitoring system with separate computer monitors for fire, intrusion and panic alarms.⁸ Thus, a CXL-2 System monitors fire alarms, door alarms, smoke detectors, blackouts and air handling. A separate piece of equipment monitors elevators, as well as various security, computer and intrusion alarms. In addition, a computer, which is connected to the National Computer Information Center (NCIC), is located in the dispatch office. This computer, which is tied into the City of Pittsburgh Police Department, is utilized to trace vehicle ownership and to obtain information as to outstanding warrants.⁹ Various pieces of radio equipment are located in the office which are utilized by the dispatcher to contact the other security employees. Dispatchers also utilize separate police, Emergency Medical System (EMS) and City of Pittsburgh radios in order to contact the appropriate entity¹⁰, as well as an escort radio to dispatch escort vans to pick up students. Two word processing computers are also located in the dispatch office, one of which is primarily utilized by dispatchers and the other by certain officers to type incident reports.¹¹ A log book is maintained at the dispatcher's desk which is utilized to relay relevant information to the oncoming shift.

At least one dispatcher is on duty at all times and that person spends the entire shift in the dispatch office.¹² The dispatchers act as the receptionist for the Department of Security, oversee the operations of the dispatch desk during their assigned shift and ensure that all incoming calls and visitors are dealt with properly and promptly. In furtherance of these

⁸ In addition, dispatchers monitor a temperature/humidity alarm for a Rare and Fine Books Room located in the campus library.

⁹ The computer is a laptop computer similar to those kept in police cars. The dispatcher types in the license plate number to obtain vehicle information and a person's name and social security number to obtain warrant information.

¹⁰ The dispatchers utilize the radios in accordance with Federal Communication Commission (FCC) rules and regulations with which they must be familiar.

¹¹ Some officers choose to type their own reports while others give their handwritten drafts to the dispatcher to type.

¹² No other employees are assigned to work on a regular basis in the dispatch office.

responsibilities, dispatchers receive and dispatch emergency and routine information between the campus community and on-duty security employees. Dispatchers receive requests for assistance via phones, walk-ins and two-way radios.¹³ They conduct the initial inquiry of callers or other persons needing assistance so proper support can be sent. In this regard, dispatchers attempt to obtain as much information as possible from callers. They are required to make decisions concerning the priority of in-coming calls, as well as to decide who should receive the call and what type of assistance is needed.¹⁴

Thus, after obtaining the initial information, dispatchers contact the appropriate officers or guards, who carry two-way radios, via the radio in the dispatch office, and notify the immediate supervisor of emergency situations. In certain circumstances, dispatchers also notify the appropriate City of Pittsburgh medics, police and/or fire departments.¹⁵ Upon arrival at the scene, the person responding to the call radios back to the dispatcher to provide a status report. Incident cards are generated and time stamped for most contacts with the dispatcher. Generally, the supervisor on duty, who also monitors the radio system, ensures that there is sufficient back-up available and is responsible for sending additional security personnel to the scene. If, however, the supervisor is indisposed for some reason and unable to monitor the radio, the dispatcher notifies the supervisor by telephone or radio.

¹³ During the preceding fiscal year, the Dispatch Office received in excess of 20,000 calls. The record reflects that it has received a similar number of calls on a percentage basis during the current year. Approximately 20 to 50 calls per shift result in the preparation of incident cards by the dispatcher. Although the record reflects that there is no specific requirement for when incident cards should be completed or "punched," they are generated to document a wide variety of situations. These range from reports of backed up toilets and persons who are locked out of their vehicles, offices or residences, to situations involving the theft of vehicles, robberies and medical or fire emergencies. In addition, numerous informational calls, such as requests for directions and for student escorts are received.

¹⁴ The security personnel are given specific patrol districts or "zones" of the university as their assigned area of coverage. The dispatchers are familiar with the various zones and to whom they are assigned and dispatch accordingly without first checking with a supervisor prior to making the dispatch.

¹⁵ For instance, in cases of student medical emergencies, in addition to dispatching a security officer or guard, dispatchers also contact the student EMS by radio, as well as a city ambulance, if necessary.

Dispatchers also monitor incoming fire, burglary and intrusion alarms.¹⁶ For example, when a fire alarm is triggered, a fire alarm panel indicates the building, floor and specific location of the fire. After turning off the alarm to verify its receipt, the dispatcher dispatches the appropriate personnel, generally a security officer. The dispatcher then documents the relevant information, including the number of the alarm that was triggered, on an incident card.¹⁷ In order to ensure that a back-up system is in place, a private outside agency, Guardian Protection, monitors the fire protection system as well. Thus, a representative of Guardian also notifies the dispatcher when a fire alarm has been triggered. Generally, the representative of Guardian notifies the City of Pittsburgh Fire Department unless the dispatcher is requested to do so. When responding to an actual fire, the security personnel remain in communication with the dispatcher through use of the two-way radios. If the situation involves a false alarm, the dispatcher notifies both Guardian, as well as the City of Pittsburgh Fire Department, which generally dispatches a unit to verify the false alarm and to prepare an appropriate report.

Various panic and intrusion alarms are also directly monitored from the dispatch office. Those alarms, when triggered, provide the location of the problem to the dispatcher. The temperature/humidity alarm located in the university library also comes in directly to the dispatcher. However, certain other alarms are monitored off campus by outside vendors. For instance, Security Systems of America (SSA) monitors university computer systems. SSA notifies the dispatch office by telephone when an alarm is triggered with respect to a computer. After receiving the relevant information about the nature and location of the problem from SSA,

¹⁶ Dispatchers do not watch video monitors for problems or violations of any laws or regulations inasmuch as the Employer apparently has no such system in place.

¹⁷ Guardian Protection does not monitor Shirley Apartments, which is a residence hall for University students. Accordingly, the dispatcher independently monitors the fire protection system for Shirley Apartments, dispatches an officer to the scene when necessary, and notifies the City of Pittsburgh Fire Department.

the dispatcher dispatches the appropriate person covering the particular zone where the problem is located.

Dispatchers have also been trained in procedures regarding bomb threats. Under such circumstances, dispatchers have been instructed to obtain certain specific information which is to be incorporated onto a form. Thereon, the dispatcher is to provide details such as the identity of the telephone number as obtained through the "caller ID" system, a description of the caller's voice, the manner in which the caller speaks and whether the person appears to be nervous. Such information would then be turned over to a detective in the Department of Security to be used in the ensuing investigation.

As noted above, dispatchers have been trained and are authorized to utilize the NCIC system in order to obtain information about vehicle ownership and outstanding warrants.¹⁸ Dispatchers utilize the system based on information provided to them over the radio by security personnel on the scene. Dispatchers document their use of the system by completing forms which are maintained in a notebook located in the dispatch office. Concurrently with the use of the NCIC system, dispatchers also check the university's own computer system which stores information about persons who previously have been detained.

Dispatchers generally inform callers from off-campus locations to contact the proper authority in the City of Pittsburgh. However, pursuant to outstanding rules and guidelines, dispatchers independently dispatch a Department of Security officer or guard if one of the University's students is involved.

Dispatchers also receive emergency building maintenance calls, and thereafter notify the appropriate parties in the University's Physical Plant. In addition, dispatchers notify appropriate University personnel in the Environmental Health and Safety Department in situations involving hazardous materials. For instance, in a recent situation involving a chemical spill, the dispatcher

¹⁸ Only qualified individuals are authorized to use the NCIC system. Unlike the dispatchers, security guards are not authorized to use the system inasmuch as they do not have the requisite certification.

independently notified that Department of the problem, as well as Chief LaPaglia and the University's Vice President for Public Relations. The City of Pittsburgh also responded with appropriate officials and a command post was set up in the area. The dispatcher was thereafter responsible for maintaining communications between the command post and the community at large.¹⁹

Dispatchers maintain accurate and detailed logs and records of dispatch desk activities. In addition they type, distribute and file reports prepared by Department of Security personnel. The record reflects that approximately 30 to 35 percent of the dispatchers' time is spent performing receptionist duties and clerical functions such as typing and filing.²⁰ As the receptionist, dispatchers answer telephones and meet persons entering the Department of Security and provide them with information and guidance.

Other duties of the dispatchers include maintaining the campus police key control system and distributing keys. Thus, when a student enters the dispatch office and requests a key, dispatchers are required to first obtain a University identification card or valid driver's license from the student, as well as an appropriate dated key access card issued by the official authorizing that person to have a key. Dispatchers then punch a key control card which is filed along with the two items of identification until such time as the student returns the key. Dispatchers deny key requests unless such documentation is provided.

Dispatchers, along with the existing bargaining unit employees, are directly supervised by the sergeant supervisor assigned to their shift. In addition, as noted above, a particular sergeant has been assigned to supervise the dispatchers in areas such as scheduling for vacations and days off and advising them of specific procedures they are required to follow.

¹⁹ Following this situation, all of the personnel that were involved, including the dispatcher, received written commendations.

²⁰ Chief James LaPaglia, who appeared at the hearing, testified that approximately five to ten percent of the dispatchers' time is spent in actual communication with security officers and guards. However, this percentage could increase depending upon the day of the week and shift.

There is one dispatcher on duty per shift and that person cannot leave until a replacement has arrived. Dispatchers are assigned to work one of the following shifts: 7:30 a.m. to 3:30 p.m., 3:30 p.m. to 11:30 p.m., and 11:30 p.m. to 7:30 a.m.²¹ One dispatcher has been assigned to work on the other dispatchers' days off. Security guards and, on occasion, police officers, relieve the dispatchers for breaks and fill in for them when there are no other dispatchers available to work a particular shift.²² Unlike existing bargaining unit employees who punch a time clock, the dispatchers complete attendance cards on which they document their respective shifts. Existing bargaining unit employees initially are subject to a twelve month probationary period, pursuant to the terms of the collective-bargaining agreement. Dispatchers, like other University staff members, undergo a six month probationary period.

At the beginning of each shift, the existing bargaining unit employees meet in the squad room for roll call, where information is disseminated, assignments are made and "roll call" training is conducted.²³ Dispatchers do not attend roll call. However, dispatchers are physically unable to attend inasmuch as their presence is required in the dispatch office, which is never left unattended. Moreover, dispatchers have access to much of the information that is disseminated during roll call through the distribution of memoranda, reports and roll call documents located in the dispatch office.

²¹ Other employees in the Department of Security begin and end their shifts thirty minutes earlier. Although the shifts of the dispatchers previously had been the same as the other security employees, the current shift times were implemented approximately two years ago in order to provide the dispatchers with additional time to finish typing reports and to complete other duties.

²² Depending on the time of year, security guards or police officers fill in for dispatchers approximately three or four shifts per week, on average. In addition, due to coverage of break periods, guards or officers cover for the dispatchers during three 30-minute break periods in a twenty-four hour period, as well as during other limited cigarette and rest room breaks. Only those guards and officers who have been trained specifically to work in the dispatch office substitute for the dispatchers. Dispatchers do not substitute for police officers or security guards.

²³ Roll call training consists of limited training during which changes in the law and applicable regulations are reviewed.

The starting wage of dispatchers is \$9.63 per hour; their maximum wage rate is \$18.50 per hour.²⁴ The entry level wage rate for security guards is \$8.65 per hour; their maximum wage rate is \$9.65 per hour. Security monitors vary between \$10.96 per hour and \$11.57 per hour. Traffic monitors earn between \$10.96 per hour and \$12.92 per hour. The entry level wage rate for police officers is \$11.99 per hour; their maximum rate is \$14.27 per hour. Finally, the pay range for detectives varies between \$12.57 per hour and \$14.95 per hour. The dispatchers and existing bargaining unit employees generally receive the same benefits, including vacations, time off, and health insurance.²⁵ In addition, they are generally subject to similar rules of discipline, although certain procedural differences exist.

The detectives and security officers, who are commissioned by the Commonwealth of Pennsylvania, enforce the laws of the Commonwealth as well as the rules and regulations of the Employer. Of the existing bargaining unit employees, the qualifications for the detectives and security officers are the most stringent. Thus, detectives and security officers are required to have attended Act 120 Training, which is basic municipal police training consisting of approximately 600 hours. This involves training in areas such as the Crimes and Vehicles Codes, rules of criminal procedure, search and seizure procedures and other basic police training. Police officers must also have been employed as a security guard or security monitor. Thus, the Employer's security guards and monitors constitute the "feeding pool" of applicants

²⁴ Dispatcher Terry B. White testified during the hearing that although he has been employed as a dispatcher by the Employer for at least eleven years, his hourly rate of pay is closer to the minimum rate than it is to the midpoint of the pay scale. Upon review of all of the University staff positions, the pay grade for the dispatchers and other non-bargaining unit employees was upgraded by the Employer in approximately 1995. At that time, dispatchers were re-classified by the Employer from Grade 4, Clerk 3, to Grade 6, Dispatcher, under the University's pay scale for non-bargaining unit employees. A Clerk 3 category is still in existence. The dispatcher classification was newly created at the time of the reclassification.

²⁵ There are certain limited differences in benefits, however. For instance, unlike the dispatchers, existing bargaining unit employees receive certain holidays such as Good Friday off from work and there is a slight difference in bereavement benefits. The existing bargaining unit employees are covered under the terms of the collective-bargaining agreement. Dispatchers are covered under a University-wide system of benefits for non-bargaining unit employees.

from which the University hires its police officers. Similarly, detectives must first have been employed as one of the Employer's police officers. Police officers and detectives are also required to complete on an annual basis the mandated municipal police officers' education training offered in the Commonwealth of Pennsylvania which involves updates in laws, codes and other police safety and law enforcement issues. They must also successfully complete certain fire alarm training given on a quarterly basis by the Department of Security.

Security guards, security monitors and traffic monitors²⁶ enforce the rules and regulations of the University and contact a security officer or detective if they observe a violation of State law. For the security guard position, the Employer generally requires prior experience and training in the security or law enforcement field.²⁷ Thus, security guards are generally hired "off-the-street" based on initial applications maintained by the University's Employment Office. However, in the preceding twelve year period, four of the Employer's part-time dispatchers subsequently have been hired as security guards.²⁸ The Employer requires that security guards, security monitors and traffic monitors complete certain in-service training related to the operation of the University and to University rules and regulations. Other types of in-service training, and the mandated municipal police officers' training referred to above, are optional for those employees, although the majority of them do attend. A security manual containing the formalized procedures for the Department of Security is provided to the existing bargaining unit employees during their period of initial training. A copy of this manual is not given to the dispatchers.

The qualifications for dispatchers include high school or equivalent combination of training and experience. The classification description for the dispatcher position also reflects

²⁶ Traffic monitors enforce parking regulations and issue University parking tickets.

²⁷ The record is unclear as to the requisite prior experience for the traffic monitors.

²⁸ As noted above, dispatchers generally receive a higher hourly rate of pay than security guards.

that two or more years experience as a communications dispatcher in a police or emergency medical organization is required. Dispatchers generally do not obtain the same training received by other security personnel. However, except for the particular person on duty at the time, dispatchers attend departmental meetings with other security employees.

Dispatchers wear a uniform consisting of a light blue shirt, a Carnegie Mellon Dispatch patch with a crest in the center, and navy pants. Security guards wear an identical uniform with the exception that their patch reflects their position of security guard. Security officers wear a navy shirt with a different colored patch. Contrary to the dispatchers, all of the existing bargaining unit employees wear name tags and badges and have the option of wearing protective equipment.²⁹ Although the existing bargaining unit employees have the option to carry pepper spray which can be used in certain situations involving violent suspects, dispatchers are not permitted to do so. Unlike the existing bargaining unit employees, dispatchers do not present community programs dealing with crime prevention.

Section 9(b)(3) of the Act prevents the Board from including in a unit together with other employees “any individual employed as a guard to enforce against employees and other persons rules to protect property of the employer or to protect the safety of persons on the employer’s premises.” The intent of Congress in enacting Section 9(b)(3) was “to insure to an employer that during strikes or labor unrest among his other employees, he would have a core of plant protection employees who could enforce the employer’s rules for protection of his property and persons thereon without being confronted with a division of loyalty between the employer and dissatisfied fellow union members.” McDonnell Aircraft Corporation, 109 NLRB 967, 969 (1954).

The question of whether the dispatchers herein are guards under Section 9(b)(3) of the Act is controlled by the Board’s decision in MGM Grand Hotel, Las Vegas, 274 NLRB 139

²⁹ Detectives do not wear name tags. Detectives and security officers carry firearms.

(1985). At issue in the MGM case were employees who operated and monitored the hotel's J.C.-80 system, an automated life-safety fire alarm system which was use for fire protection, security functions and engineering functions. Although the Regional Director concluded the J.C.-80 operators were not guards because they did not have the authority to enforce rules, the Board reversed. In finding the J.C.-80 operators to be guards under the Act, the Board stated:

Contrary to the Regional Director, the foregoing facts and the record as a whole show that the J.C.-80 operators are intimately involved in the security functions and life-safety procedures at the Employer's establishment. This Employer has installed a vastly sophisticated life-safety system encompassing myriad functions. While the system operates primarily for fire detection, it performs significant security functions. That the operators spend only a portion of their time monitoring such functions is immaterial in determining their status as guards under the Act. The operators of the J.C.-80 system, which falls within the jurisdiction of the security department, serve to monitor and report possible security problems and infractions and possible life-endangering situations. Employees performing similar functions have been found to be guards under the Act. The operators of the Employer's system are as closely involved in protecting the Employer's property and enforcing security as are the Employer's plainclothes officers and uniformed guards. In light of the above, we find, contrary to the Regional Director, that these operators are guards under Section 9(b)(3) of the Act....[Id. at 140 (footnotes omitted)].

Based on the foregoing, and the record as a whole, I find that the dispatchers in dispute are guards under Section 9(b)(3) of the Act. While I am not unmindful of the fact that the dispatchers have no direct individual enforcement authority to protect property or the safety or persons on the Employer's premises, the record establishes that they are intimately involved in the security function and life-safety procedures at the University. When employees otherwise meet the statutory requirement for guards, the fact that they do not take direct action against violators of an employer's rules, but instead are merely instructed to report suspicious activity to other persons, will not defeat their guard status.³⁰ A.W. Schlesinger Geriatric Center, Inc., 267 NLRB 1363 (1983).

³⁰ In this regard, the conclusionary testimony of Chief LaPaglia that dispatchers do not enforce the laws of the Commonwealth or the rules of the University is not dispositive of their status.

Not only do the dispatchers have the responsibility for receiving and dispatching security and emergency calls requiring the response of security personnel, they also operate and monitor various fire, intrusion, panic and humidity alarms. In addition, dispatchers have been trained on and in fact utilize the NCIC system in order to obtain information about vehicle ownership and outstanding warrants in situations involving suspicious activity on the Employer's premises. Dispatchers have also been trained in and are expected to obtain specific information in situations involving bomb threats, which information could be crucial in any ensuing investigation. In obtaining this detailed information relating to bomb threats, as well as obtaining detailed information from individuals reporting suspicious activities throughout the campus, the dispatchers initiate the investigation of these matters, which is thereafter concluded by other members of the Employer's security department.

The record clearly reflects the functional integration of the work of the dispatchers with that of the other employees in the Department of Security. In addition, there is routine contact and interaction between these groups of employees, as well as shared immediate and upper-level supervision. The dispatchers and existing bargaining unit employees are all responsible for the security and protection of the individuals and property at the Employer's premises. Although the detectives, security officers, security monitors, security guards and traffic monitors patrol the Employer's premises during their shift, and the dispatchers remain in the dispatch office, their duties and responsibilities are primarily associated with the safety and protection of individuals and property. Further, all of these groups have their administrative base offices within the Department of Security suite.

Moreover, the dispatchers, as did the J.C.-80 operators in the MGM case, fall under the jurisdiction of the Department of Security, and security guards and police officers substitute for the dispatchers during their break and lunch periods and when other dispatchers are unavailable.

Based on the above and the record as a whole, I find that the dispatchers at issue herein are guards within the meaning of Section 9(b)(3) of the Act. MGM, supra; Rhode Island Hospital, 313 NLRB 343 (1993).³¹ The Employer's motion to dismiss the instant petition is therefore denied.

Accordingly, for the reasons set forth above, I shall direct an election in the following voting group for the purpose of allowing the dispatchers the opportunity to vote on whether they wish to be represented by the Petitioner in the currently established collective-bargaining unit.

All full-time and regular part-time dispatchers employed by the Employer at its Pittsburgh, Pennsylvania, facility; excluding all other employees and professional employees and supervisors as defined in the Act.

If a majority of the valid ballots in the election are cast for the Petitioner, the employees will be deemed to have indicated the desire to be included in the existing unit of security department employees of the Employer currently represented by the Petitioner, and it may bargain for those employees as part of that unit. If a majority of the valid ballots are cast against representation, the employees will be deemed to have indicated the desire to remain unrepresented. In that event, a certification of results of election will be issued.

³¹ In making this determination, I have considered the fact that, unlike the employees at issue in Rhode Island Hospital, the dispatchers do not monitor a closed circuit television system, as argued by the Employer in its Brief. However, noting the numerous factors favoring a finding of guard status, including the integral role played by the dispatchers in the overall security operations of the Employer, I conclude that distinction does not require a different result. Moreover, although the monitoring of a closed circuit television system is a relevant factor to consider, it does not appear that the Board has deemed this to be a controlling factor in determining guard status. See Hoffman Security, Ltd., 302 NLRB 922 (1991). I also am not persuaded that the cases cited by the Employer in its Brief require a contrary finding herein. In this regard, Caterpillar Tractor Co., 109 NLRB 871 (1954), Wells Fargo Alarm Services v. NLRB, 533 F.2d 121 (3rd Cir. 1976), and Livonia Plant of Automatic Transmission Division, Ford Motor Company, 116 NLRB 1995 (1956), all of which were decided prior to MGM Grand and Rhode Island Hospital, supra, provide little factual analysis of the duties of the disputed classifications therein. Accordingly those cases do not reflect the close involvement that is demonstrated in the instant record of the dispatchers in the protection of the Employer's property and enforcement of security measures relating to the protection of that property and the safety of persons on the Employer's premises. Moreover, the record herein demonstrates that the reporting duties of the dispatchers are reflective of, rather than distinct from, the essential responsibilities of their position. See The Boeing Company, 328 NLRB No. 25 (1999). Liberty Owners Corp., 318 NLRB 308 (1995) (doorpersons and elevator operators in residential cooperative and condominium buildings) and Hoffman Security, Ltd., supra (receptionists assigned to information desks in a hospital), cited by the Employer in its Brief, are clearly factually distinguishable from the instant case.

DIRECTION OF ELECTION

An election by secret ballot will be conducted by the undersigned Regional Director among the employees in the voting group set forth above at the time and place set forth in the Notice of Election to be issued subsequently, subject to the Board's Rules and Regulations.³² Eligible to vote are those employees in the voting group who were employed during the payroll period immediately preceding the date below, including employees who did not work during that period because they were ill, on vacation or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period and employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced.³³ Those eligible

³² Pursuant to Section 103.20 of the Board's Rules and Regulations, official Notices of Election shall be posted by the Employer in conspicuous places at least 3 full working days prior to 12:01 a.m. of the day of the election. As soon as the election arrangements are finalized, the Employer will be informed when the Notices must be posted in order to comply with the posting requirement. Failure to post the Election Notices as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

³³ In order to assure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses, which may be used to communicate with them. Excelsior Underwear, Inc. 156 NLRB 1236 (1966); NLRB v. Wyman-Gordon Company, 394 U.S. 759 (1969). Accordingly, it is hereby directed that the election eligibility list, containing the full names and addresses of all eligible voters, must be filed by the Employer with the Regional Director within seven (7) days of the date of this Decision and Direction of Election. The Regional Director shall make the list available to all parties to the election. In order to be timely filed, such list must be received in the Regional Office, Room 1501, 1000 Liberty Avenue, Pittsburgh, PA 15222, on or before June 2, 1999. No extension of time to file this list may be granted, except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

shall vote whether or not they desire to be represented for collective bargaining by Carnegie Mellon University Campus Police Association.

Dated at Pittsburgh, Pennsylvania, this 26th day of May 1999.

Gerald Kobell
Regional Director, Region Six

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